

REPORT - PLANNING COMMISSION MEETING
December 12, 2002

Project Name and Number: Cabrillo Park Cafe (PLN2003-00110)

Applicant: Espernza Ureno

Proposal: To consider a Conditional Use Permit for the sale of beer and wine in an existing restaurant.

Recommended Action: Approve, based on findings and subject to conditions.

Location: 4673 Thornton Avenue, Centerville Planning Area.

Assessor Parcel Number(s): 501-008008009

Area: Existing 3,500 square foot tenant space within a 44,900 square foot shopping center on a 3.5 acre parcel of land.

Owner: James H. Hardwick

Agent of Applicant: None

Consultant(s): None

Environmental Review: This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301, Existing Facilities.

Existing General Plan: C-N, Neighborhood Commercial

Existing Zoning: C-N, Neighborhood Commercial

Existing Land Use: Commercial Shopping Center

Public Hearing Notice: Public hearing notification is applicable. A total of 382 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Cabrillo Drive, Thornton Avenue, Devonshire Commons, Balboa Way, Bonito Drive, Bolina Terrace, Contra Costa, Penzance Commons, Limeta Terrace, and Glenn Street. The notices to owners and occupants were mailed on December 2, 2002. A Public Hearing Notice was delivered to The Argus on November 27, 2002 to be published by December 2, 2002.

Executive Summary: On October 4, 2000, the City Council adopted an ordinance relating to late night entertainment uses and uses that serve alcohol. The ordinance requires a conditional use permit when an establishment has over thirty seats and serves beer and wine and is located within a Neighborhood Commercial zone. Pre-existing establishments, such as this, are considered legal but non-conforming with respect to zoning. Issuance of a conditional use permit would render this establishment conforming with respect to the Neighborhood Commercial zone in which it is located.

Project Description: The applicant and operator of the Cabrillo Park Café, is requesting approval of a conditional use permit to allow the sale and service of beer and wine in conjunction with the 95-seat restaurant. The establishment has been in operation for over forty years, occupying approximately 3,500 square feet of the existing 44,900 square foot shopping center. Staff has been advised that the hours of operation will be from 7:00 A.M. to 9:00 P.M. daily.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Neighborhood Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site because the General Plan allows restaurants serving beer and wine to be permitted in a Neighborhood Commercial designation.

Zoning Regulations: The project site is zoned C-N, Neighborhood Commercial. In the C-N district, an eating establishment with beer and wine with more than thirty seats requires a conditional use permit approved by the Planning Commission as set forth in FCM section 8-21003 to ensure that the use is compatible with, and suitable with its location and surroundings. There are no new buildings proposed and the existing tenant space conforms to all site standards for the Neighborhood Commercial Zoning District. In order to continue the use, the applicant submitted the use permit, to make the use conforming rather than for it to remain legal non-conforming.

Parking: The existing shopping center provides 137 on-site parking spaces for the use of all tenants, including 7 handicapped spaces. The applicant is not proposing to add any new floor area to the tenant space, and the sale of beer and wine within the existing restaurant is not expected to generate any additional parking requirements. There is sufficient on-site parking available for this use.

Circulation/Access Analysis: The shopping center has good vehicular circulation because of its lot configuration. The parcel has access to both adjacent roads being, Balboa Way and Thornton Avenue. There are no changes required to the circulation or access plan as part of this conditional use permit.

Applicable Fees: No additional fees are required as a result of this conditional use permit.

Redevelopment: This is not within a redevelopment area.

Environmental Analysis: This project is categorically exempt for CEQA per section 15301, Existing Facilities.

Response from Agencies and Organizations: The applicant is responsible for ensuring that the restaurant has adequate trash and recycling enclosures to service the restaurant.

Enclosures:

Exhibit "A" (Site Plan, Floor Plan)
Exhibit "B" (Findings and Conditions of Approval)
Tenant List (Informational – Provided by Applicant).

Exhibits:

Exhibit "A" (Site Plan, Floor Plan)
Exhibit "B" (Findings and Conditions of Approval).

Recommended Actions:

1. Hold public hearing.
2. Find PLN2003-00110 is categorically exempt from CEQA per section 15301, Existing Facilities.
3. Find PLN2003-00110 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter.
4. Approve PLN2003-00110, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Exhibit "B"
Findings and Conditions of Approval
PLN2003-00110
Cabrillo Park Café – 4673 Thornton Avenue
December 12, 2002

FINDINGS FOR APPROVAL

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated December 12, 2002, incorporated herein:

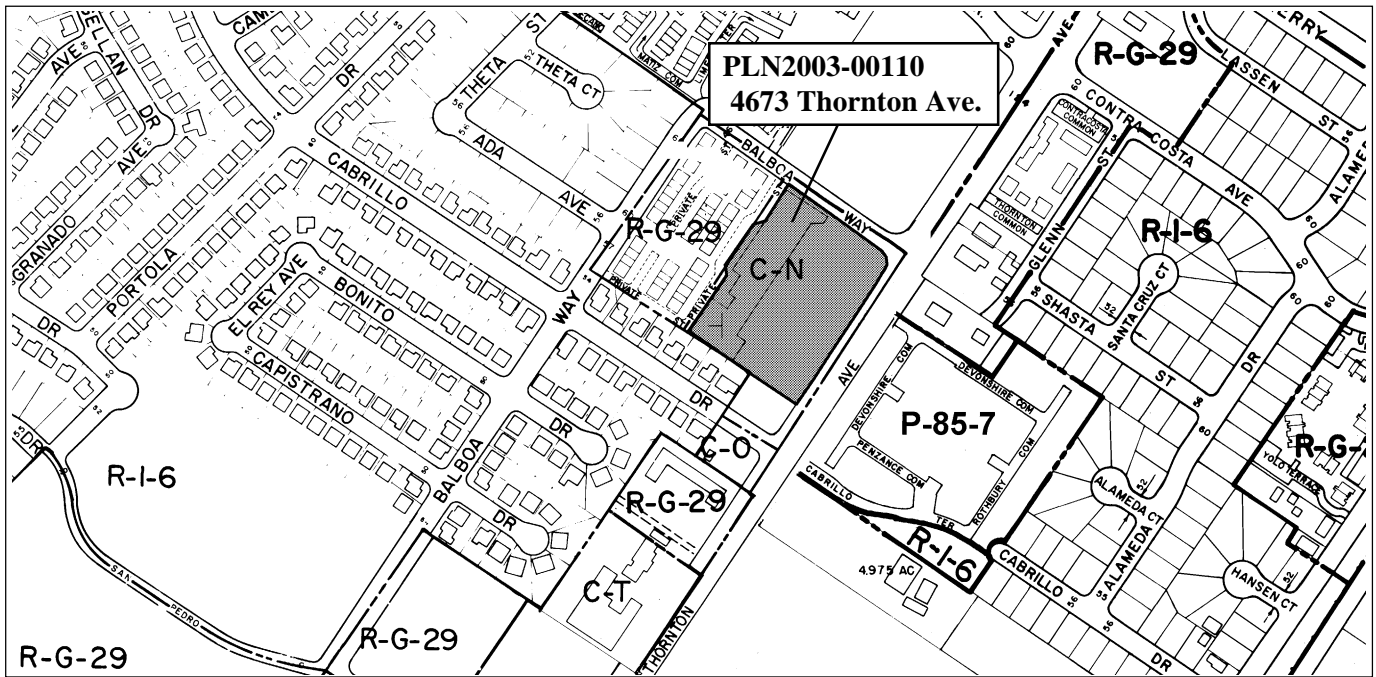
1. The proposed use is consistent with the general plan, since a restaurant serving beer and wine is a conditionally permissible use in the C-N Neighborhood Commercial Zoning District, which conforms to the Neighborhood Commercial designation.
2. The site is suitable and adequate for the proposed sale and service of beer and wine in conjunction with the eating establishment because it is compatible with the other commercial uses in the shopping center.
3. The proposed use would not have a substantial adverse effect on traffic circulation or the planned capacity of the street system because the points of ingress-egress are properly located and sufficient parking is available.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because the restaurant, serving beer and wine, is not a direct competitor with any of the tenants in the Commercial Shopping Center.
5. The proposed use would not have a substantial adverse impact on the general welfare of persons residing in the community because the restaurant use is properly located within the existing shopping center, on a developed site, which has been designed in a manner to be compatible with the surrounding land uses. In addition, as required under California law, the Department of Alcoholic Beverage Control regulates the sale and service of beer and wine (and all other alcoholic beverages).
6. No public improvements, facilities, or development impact fees are required as part of this approval.

CONDITIONS OF APPROVAL

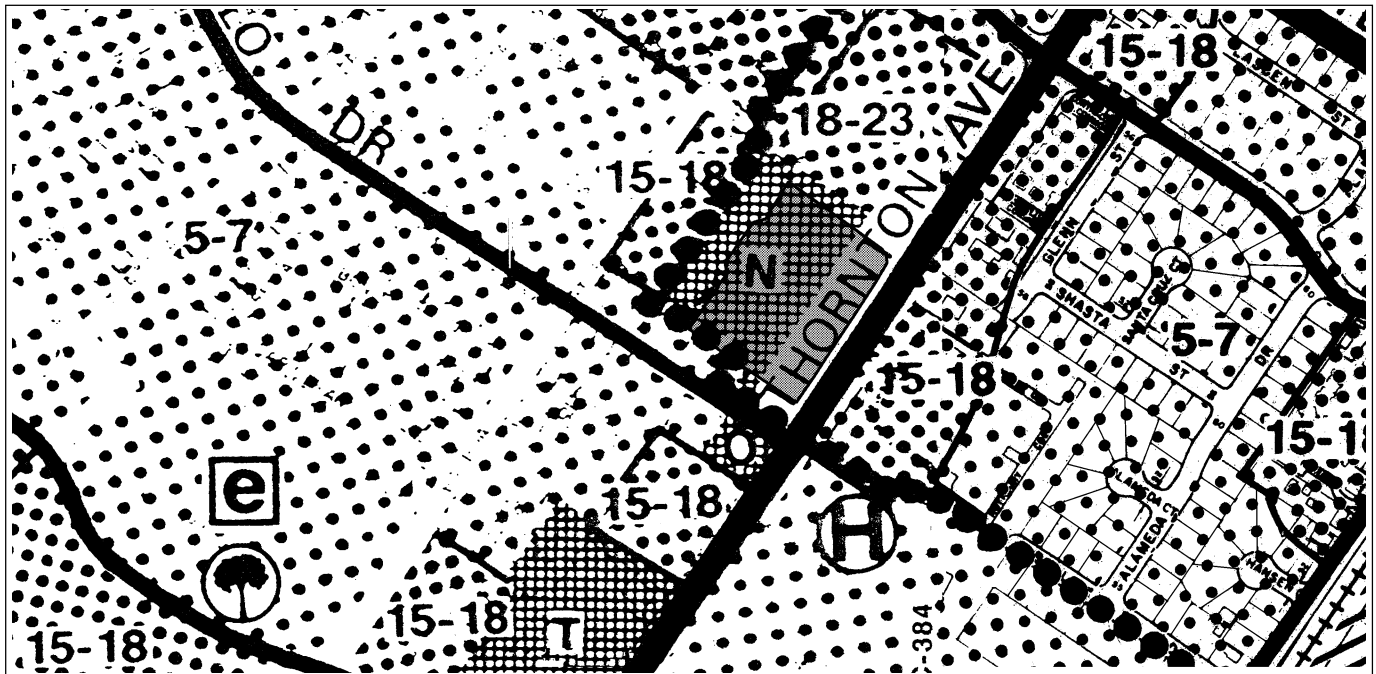
1. Approval of PLN2003-00110 shall conform to Exhibit "A" (Site Plan, Floor Plan) and applies only to the 3,500 square foot tenant space denoted on the site plan.
2. The establishment shall comply with all laws relating to the sale and onsite consumption of beer and wine, and shall operate only under a license issued by the California Department of Alcoholic Beverage Control.
3. The eating establishment hours of operation, as stated by the applicant, shall cease by 9:00 p.m. on any given day. Minor amendments (including hours of operation) to this conditional use permit may be approved by the Assistant City Manager if it is determined that the overall intent is consistent with the conditions of approval.

4. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent proximate property, or has a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results have occurred, the Commission may modify or revoke the use permit.


INFORMATIONAL



Existing Zoning



Existing General Plan

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| Project Number: | PLN2003-00110 (CUP) |
| Project Name: | Cabrillo Park Cafe' |
| Project Description: | To consider a Conditional Use Permit to allow sale and service of beer and wine in an existing restaurant located in a shopping center in the Central Planning Area. |
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Note: Prior arrangements for access are not required for this site.



$1'' = 500'$